

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GERTRUDE RATHMAN,

07 CV 11589 (PKC)

Plaintiff,

-against-

EMPIRE HEALTH CHOICE ASSURANCE,
INC., d/b/a EMPIRE MEDICARE SERVICES,
THE TRAVELERS COMPANIES,
INC. d/b/a THE TRAVELERS INDEMNITY
COMPANY and PENINSULA HOSPITAL
CENTER,

ORDER

Defendants.

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WHEREAS, on or about November 9, 2007, plaintiff Gertrude Rathman commenced an action in the Civil Court of the City of New York, New York County, under Index Number 64121 CV 2007 against the above named defendants;

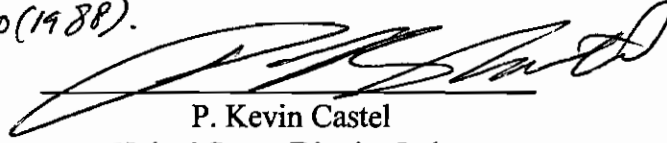
WHEREAS, on or about December 27, 2007, defendant Empire Health Choice Assurance, Inc., by its attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, filed a Notice of Removal with this Court in the instant action pursuant to 28 U.S.C. §§ 1441(b), 1442(a)(1), 1446, 42 U.S.C. § 1395kk and 42 C.F.R. § 421.5(b);

WHEREAS, on or about February 14, 2008, the plaintiff filed a Notice of Voluntary Dismissal Pursuant to FRCP 41(a) with respect to Empire Health Choice Assurance, Inc., which was "so ordered" by the Court on February 15, 2008;

WHEREAS, on February 29, 2008, the Court ordered the parties to this action to show cause why the action should not be remanded as a result of the plaintiff's voluntary dismissal of the removing party, Empire Health Choice Assurance, Inc.; and

WHEREAS, none of the parties to this action have opposed the remand of this action to the court where the proceeding was first commenced;

IT IS ORDERED that this action is hereby remanded to the State court from which it was removed *because this Court declines to exercise supplemental jurisdiction. 28 USC § 1367(c)(3). See Valencia v. Lee, 316 F.3d 299 (2d Cir. 2003). See also Carnegie Mellon v. Cohill, 484 U.S. 343, 350 (1988).*



P. Kevin Castel
United States District Judge

Dated: New York, New York
March 25, 2008